

THURSDAY, JANUARY 14, 1999

THIRD ORGANIZATIONAL DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Teb Batey, Milton Church of Christ, Murfreesboro, Tennessee.

Representative Hood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....99

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 16, 1999:

House Resolution No. 1 -- Memorials, Personal Achievement - Corinne Gould. by *Walker (Rhea).

House Joint Resolution No. 7 -- Memorials, Retirement - Bob Atkins, President and Group Publisher, Middle Tennessee Publishing Company. by *McDonald.

House Joint Resolution No. 8 -- Memorials, Personal Occasion - William and Miriam Roberts, 50th Wedding Anniversary. by *Hargett.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 12 -- Trimble - Subject to local approval, changes election date to November; extends term of office of mayor and aldermen. Amends Chapter 88 of Private Acts of 1993, as amended. by *Cole (Dyer).

House Bill No. 13 -- Judges and Chancellors - Adds probate court to list of courts allowed special judges to help with congestion and delay of litigation; adds judges in county trial courts of record to list of judges allowed to appoint substitute judge. Amends TCA Title 17, Chapter 2, Part 1. by *Scroggs.

***House Bill No. 14** -- Pensions and Retirement Benefits - Provides for adjustments in survivor benefits paid to surviving spouses of former governors for cost of living increases or increases in compensation of office of governor. Amends TCA Section 8-39-204. by *Rhinehart.

***House Bill No. 15** -- Highways, Roads and Bridges - Authorizes county legislative body to prohibit parking on county highways and bridges; authorizes county legislative body to restrict access to county highways by commercial vehicles. Amends TCA Title 54, Chapter 10, Part 1. by *Westmoreland.

***House Bill No. 16** -- Motor Vehicles, Titling and Registration - Authorizes issuance of new specialty earmarked license plate to commemorate University of Tennessee Volunteer football team's 1998-1999 national championship; earmarks portion of revenues from sale thereof to University of Tennessee for academic purposes. Amends TCA Title 55, Chapter 4. by *Hagood, *Armstrong, *Boyer, *Bittle, *Buttry, *Dunn, *Tindell, *Goins.

House Bill No. 17 -- Bail, Bail Bonds - Provides that electronically transmitted facsimile copy of written bail undertaking has same legal effect as original written undertaking; facsimile of written undertaking signed by defendant has same legal effect as original signed by defendant. Amends TCA Section 40-11-114. by *Todd.

***House Bill No. 18** -- Criminal Offenses - Adds element to defense of criminal trespass that defendant complied with posted security screening procedures required for admission, in addition to existing requirements that property be open to public when defendant entered and remained, that conduct did not interfere substantially with owner's use, and that defendant left on request. Amends TCA Section 39-14-405. by *Todd.

House Bill No. 19 -- Criminal Procedure - Authorizes examining official, in issuing arrest warrants, to use electronic audio-visual examination of informant, instead of face-to-face, where oath is administered, informant and official can hear and see each other, and official has received from informant electronic facsimile of informant's affidavit of complaint. Amends TCA Section 40-6-203. by *Todd.

House Bill No. 20 -- County Government - Includes as authorized nonprofit civic organizations to which county may appropriate funds for financial aid to bring about civic betterment and social improvement, 501(c)(6) entities, i.e., not-for-profit business leagues, chambers of commerce, real-estate boards, boards of trade, or professional football leagues. Amends TCA Section 5-9-109. by *Hargett.

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***House Bill No. 21** -- Juries and Jurors - Permits prospective jurors to donate reimbursement for jury service to the criminal injuries compensation fund. Amends TCA Title 22, Chapter 4. by *Hargett.

***House Bill No. 22** -- Judicial Officers - Requires \$25.00 payment to court clerk for each encroachment and each additional deposit that clerk is ordered to make to existing investment account. Amends TCA Section 18-5-106. by *Scroggs.

House Bill No. 23 -- Tort Liability - Grants governmental immunity for injuries arising out of Y2K malfunctions of computer software or device due to failure to recognize or compensate for dates or times if failure unforeseeable or correction plan reasonable before December 31, 2005. Amends TCA Section 29-20-205. by *Scroggs.

***House Bill No. 24** -- Pensions and Retirement Benefits - Corrects phrase "consolidated retirement board" to "board of trustees of the consolidated retirement system." Amends Tennessee Code Annotated, Title 8, Chapter 25, Parts 1, 3, and 5. by *Rhinehart.

***House Bill No. 25** -- Pensions and Retirement Benefits - Corrects "council on pensions and retirement" to "council on pensions and insurance." Amends TCA Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36; Title 8, Chapter 37. by *Rhinehart.

***House Bill No. 26** -- County Officers - Enables county clerk to accept payment of fees, fines, court costs and other charges by credit card. Amends TCA Section 8-21-107. by *Chumney.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were held on the Clerk's desk pending approval of the local delegation or held for appointment of the appropriate standing committees:

***House Bill No. 4** -- Sexual Offenses -- Held on House Desk

***House Bill No. 5** -- School Transportation -- Held on House Desk

***House Bill No. 6** -- Taxes, Exemption -- Held on House Desk

***House Bill No. 7** -- Constitutional Conventions -- Held on House Desk

***House Bill No. 8** -- Ethics -- Held on House Desk

House Bill No. 9 -- Highway Signs -- Held on House Desk

***House Bill No. 10** -- Highway Signs -- Held on House Desk

House Bill No. 11 -- Lincoln County -- Held on House Desk

CONSENT CALENDAR

House Joint Resolution No. 4 -- Memorials, Sports - Germantown cheerleaders. by *Scroggs.

House Joint Resolution No. 5 -- Memorials, Personal Occasion - Mrs. Nora Proby, 90th birthday. by *Fraleay.

House Joint Resolution No. 6 -- Memorials, Retirement - Dr. John Rampy, Executive Director, Arnold Engineering Development Center. by *Fraleay, *Lewis.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. McDaniel moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 19 out of order, which motion prevailed.

Senate Joint Resolution No. 19 -- General Assembly, Joint Conventions - State of the State address, February 1, 1999. by *Atchley, *Elsea.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. McDaniel, the resolution was concurred in.

A motion to reconsider was tabled.

ELECTION OF MEMBERS TO FISCAL REVIEW COMMITTEE

In accordance with Tennessee Code Annotated 3-7-101, the election of the Fiscal Review Committee is required during the organizational session.

Speaker Naifeh opened the floor for nominations.

Representative Rinks nominated Representatives Odom, Givens, Pruitt, White, and Rhinehart of the Democratic Party; the nomination was properly seconded.

Representative Boyer nominated Representatives Kent, Wood, McKee, and Newton of the Republican Party; the nomination was properly seconded.

There being no nominations from the floor, Representative Hargrove moved that the nominations cease and that the Clerk be directed to take the roll, which motion prevailed.

For the nominees97

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

Speaker Naifeh declared the Members of the Fiscal Review Committee duly, legally and constitutionally elected for the ensuing four years.

ANNOUNCEMENTS

APPOINTMENT OF STANDING COMMITTEES

The Speaker announced the appointment of the Standing Committees of the House as follows:

AGRICULTURE COMMITTEE -- Chairman--Ken Givens, Vice-Chairman--Kathryn Bowers, Secretary--Dennis Ferguson, William Baird, Stratton Bone, Bill Dunn, Stancil Ford, Mark Goins, Dennis Roach, Raymond Walker and John Mark Windle.

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CHILDREN & FAMILY AFFAIRS -- Chairman--Carol Chumney, Vice-Chairman--John DeBerry, Secretary--Mark Maddox, Diane Black, Stratton Bone, Kathryn Bowers, Tommie Brown, Craig Fitzhugh, Mark Goins, Beth Harwell, Kim McMillan, Bob Patton, Larry Scroggs, John White and Mike Williams.

COMMERCE COMMITTEE -- Chairman--Shelby Rhinehart, Vice-Chairman--Paul Phelan, Secretary--Charles Curtiss, John Arriola, Kathryn Bowers, Ralph Cole (Carter), Ronnie Cole (Dyer), John DeBerry, Craig Fitzhugh, Stancil Ford, George Fraley, Steve Godsey, Doug Gunnels, Jamie Hagood, Beth Harwell, Joyce Hassell, Doyle Lewis, Bob McKee, Jason Mumpower, Pete Phillips, Bobby Sands, Charles Sargent, Joe Towns, Brenda Turner, Raymond Walker, Page Walley, John White, Mike Williams and Bobby Wood.

CONSERVATION & ENVIRONMENT COMMITTEE -- Chairman--Don Ridgeway, Vice-Chairman --Gary Odom, Secretary--Tommie Brown, H.E. Bittle, Charles Curtiss, Steve Godsey, Mike Kernell, Bill McAfee, Joe McCord, Larry Scroggs, Arnold Stulce and John Tidwell.

CONSUMER & EMPLOYEE AFFAIRS -- Chairman--Ben West, Vice-Chairman--Larry Turner, Secretary--Sherry Jones, William Baird, Rob Biley, Steven Buttry, Barbara Cooper, Howard Kerr, Edith Langster and W.C. Pleasant.

EDUCATION COMMITTEE -- Chairman--Gene Davidson, Vice-Chairman--Les Winningham, Secretary--Joe Towns, Dewayne Bunch, Gene Caldwell, Barbara Cooper, Ronnie Davis, Jamie Hagood, Beth Harwell, John Hood, Doug Jackson, Ulysses Jones, Mark Maddox, Joe McCord, Mike McDonald, Kim McMillan, Richard Montgomery, Bob Patton, Phillip Pinion, W.C. Pleasant, Arnold Stulce, Larry Turner, and Zane Whitson.

FINANCE, WAYS & MEANS -- Chairman--Matt Kisber, Vice-Chairman--Tommy Head, Secretary--Ronnie Cole, Joe Armstrong, H.E. Bittle, Jim Boyer, Tommie Brown, Carol Chumney, Ralph Cole, Gene Davidson, Ronnie Davis, Mary Ann Eckles, Craig Fitzhugh, Tim Garrett, Ken Givens, Doug Gunnels, Jere Hargrove, Joe Kent, Doyle Lewis, Steve McDaniel, Bob McKee, Larry Miller, Phillip Pinion, Shelby Rhinehart, Randy Rinks, Robb Robinson, Harry Tindell, Zane Whitson, Les Winningham, and Bobby Wood.

GOVERNMENT OPERATIONS COMMITTEE -- Chairman--Mike Kernell, Vice-Chairman-- Tim Garrett, Secretary--Henri Brooks, Lois DeBerry, Bill McAfee, Curry Todd, and Keith Westmoreland.

HEALTH & HUMAN RESOURCES -- Chairman--Joe Armstrong, Vice-Chairman--Mary Pruitt, Secretary--Mary Ann Eckles, John Arriola, Diane Black, Gene Caldwell, David Davis, John DeBerry, Lois DeBerry, Dennis Ferguson, Tré Hargett, Sherry Jones, Jason Mumpower, Steve McDaniel, Gary Odom, Bob Patton, Brenda Turner, and Page Walley.

JUDICIARY COMMITTEE -- Chairman--Frank Buck, Vice-Chairman--Doug Jackson, Secretary--Kim McMillan, Mae Beavers, Jim Boyer, Rob Biley, Henri Brooks, Jere Hargrove, Chris Newton, Bobby Sands, Larry Scroggs, Keith Westmoreland, and John Mark Windle.

STATE & LOCAL GOVERNMENT COMMITTEE -- Chairman--Ulysses Jones, Vice-Chairman -- Harry Tindell, Secretary--Edith Langster, Stratton Bone, Dewayne Bunch, Joe Fowlkes, Mark Goins, Tré Hargett, Joe Kent, Howard Kerr, Matt Kisber, Larry Miller, Richard Montgomery, Paul Phelan, Pete Phillips, Mary Pruitt, Randy Rinks, Charles Sargent, Jack Sharp, Curry Todd, and Ben West.

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TRANSPORTATION COMMITTEE -- Chairman--Robb Robinson, Vice-Chairman--Joe Fowlkes, Secretary--John White, Mae Beavers, Frank Buck, Steven Buttry, David Davis, Bill Dunn, George Fraley, Joyce Hassell, Tommy Head, John Hood, Mark Maddox, Mike McDonald, Chris Newton, Don Ridgeway, Dennis Roach, Jack Sharp, John Tidwell and Mike Williams.

CALENDAR AND RULES COMMITTEE -- Chairman--Pete Phillips, Vice-Chairman--Larry Miller, Secretary--Craig Fitzhugh, Speaker Naifeh, Speaker Pro Tempore DeBerry, Joe Armstrong, Jim Boyer, Frank Buck, Carol Chumney, Gene Davidson, Tim Garrett, Ken Givens, Jere Hargrove, Ulysses Jones, Joe Kent, Michael Kernell, Matt Kisber, Steve McDaniel, Mary Pruitt, Shelby Rhinehart, Don Ridgeway, Randy Rinks, Robb Robinson, Page Walley, and Ben West.

Rep. Arriola moved that all items held on the Clerk's desk pending appointment now be referred to the appropriate committee as follows:

***House Bill No. 1** -- Election Laws -- House State and Local Government Committee

***House Bill No. 2** -- Statutes -- House Judiciary Committee

***House Bill No. 3** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

***House Bill No. 4** -- Sexual Offenses -- House Judiciary Committee

***House Bill No. 5** -- School Transportation -- House Government Operations Committee

***House Bill No. 6** -- Taxes, Exemption -- House Government Operations Committee

***House Bill No. 7** -- Constitutional Conventions -- House State and Local Government Committee

***House Bill No. 8** -- Ethics -- Caption Bill Held on House Desk

House Bill No. 9 -- Highway Signs -- House Transportation Committee

***House Bill No. 10** -- Highway Signs -- House Transportation Committee

House Bill No. 11 -- Lincoln County -- Local Bill Held on House Desk

***House Joint Resolution No. 2** -- Constitutional Amendments -- House State and Local Government Committee

**ENGROSSED BILLS
January 14, 1999**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 4, 5, and 6.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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**MESSAGE FROM THE SENATE
January 14, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 20; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 20 -- Memorials, Death - Senator Tommy Burks, Monterey. by *Haynes, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

**MESSAGE FROM THE SENATE
January 14, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 19; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED
January 14, 1999**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 19.

**MESSAGE FROM THE GOVERNOR
January 14, 1999**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 1, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**CONSENT CALENDAR
January 15, 1999**

The following local bills have been placed on the Consent Calendar for **January 16, 1999**: House Bill(s) No(s). 11.

ROLL CALL

The roll call was taken with the following results:

Present.....99

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Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RECESS MOTION

On motion of Rep. Arriola, the House stood in recess until 9:00 a.m., Saturday, January 16, 1999.